

AMENDED IN SENATE APRIL 27, 2011

AMENDED IN SENATE MARCH 23, 2011

SENATE BILL

No. 702

Introduced by Senator Lieu

February 18, 2011

An act to amend ~~Section 31253~~ *Sections 30503, 30520, 31751.3, and 31760* of the Food and Agricultural Code, relating to dog licensing.

LEGISLATIVE COUNSEL'S DIGEST

SB 702, as amended, Lieu. Dog licensing: microchip implants.

Existing law requires that dogs that attain the age of 4 months be licensed and wear a collar to which an identification or license tag is attached. A dog that is found running at large without the identification tag or dog license tag may be seized and impounded by any peace officer. Existing law requires the owner of the dog that has been impounded to pay a fee to reclaim the dog. *Existing law also prohibits any public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away to a new owner any dog or cat that has not been spayed or neutered.* A violation of these provisions is either an infraction or a misdemeanor, as specified.

~~This bill would additionally require an owner who seeks to reclaim a dog that has been impounded to provide proof of a current, valid license for the dog. The bill would also authorize the entity that has custody of the dog to implant the dog with a microchip identifying the owner of the dog or require the owner to take that action within 30 days of reclaiming the dog prohibit any public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from releasing to an owner seeking to~~

reclaim his or her dog or cat, or selling or giving away to a new owner, a dog or cat that has not been microchipped, except under a specified circumstance. Because a violation of ~~this provision~~ these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 30503 of the Food and Agricultural Code*
2 *is amended to read:*

3 30503. (a) (1) Except as otherwise provided in subdivision
4 (b), no public animal control agency or shelter, society for the
5 prevention of cruelty to animals shelter, humane society shelter,
6 or rescue group shall sell or give away to a new owner any dog
7 that has not been spayed or neutered.

8 (2) (A) *Except as provided in subparagraph (B), no public*
9 *animal control agency or shelter, society for the prevention of*
10 *cruelty to animals shelter, humane society shelter, or rescue group*
11 *shall release to an owner seeking to reclaim his or her dog, or sell*
12 *or give away to a new owner, a dog that has not been*
13 *microchipped.*

14 (B) *If the public animal control agency or shelter, society for*
15 *the prevention of cruelty to animals shelter, humane society shelter,*
16 *or rescue group that has custody of the dog does not have*
17 *microchipping available on the premises, that entity may release*
18 *the dog only upon the condition that the owner, or the adopter or*
19 *purchaser, shall have 30 days to present proof to the entity from*
20 *which the dog was obtained that the dog has been microchipped.*

21 ~~(2)~~

22 (3) For the purposes of this section a “rescue group” is a
23 for-profit or not-for-profit entity, or a collaboration of individuals
24 with at least one of its purposes being the sale or placement of
25 dogs that have been removed from a public animal control agency
26 or shelter, society for the prevention of cruelty to animals shelter,

1 or humane shelter or that have been previously owned by any
2 person other than the original breeder of that dog.

3 (b) (1) If a veterinarian licensed to practice veterinary medicine
4 in this state certifies that a dog is too sick or injured to be spayed
5 or neutered, or that it would otherwise be detrimental to the health
6 of the dog to be spayed or neutered, the adopter or purchaser shall
7 pay the public animal control agency or shelter, society for the
8 prevention of cruelty to animals shelter, humane society shelter,
9 or rescue group a deposit of not less than forty dollars (\$40), and
10 not more than seventy-five dollars (\$75).

11 (2) The entity shall establish the amount of the deposit at the
12 level it determines is necessary to encourage the spaying or
13 neutering of dogs.

14 (3) The deposit shall be temporary, and shall only be retained
15 until the dog is healthy enough to be spayed or neutered, as
16 certified by a veterinarian licensed to practice veterinary medicine
17 in this state.

18 (4) The dog shall be spayed or neutered within 14 business days
19 of that certification.

20 (5) The adopter or purchaser shall obtain written proof of
21 spaying or neutering from the veterinarian performing the
22 operation.

23 (6) If the adopter or purchaser presents proof of spaying or
24 neutering to the entity from which the dog was obtained within 30
25 business days of obtaining the proof, the adopter or purchaser shall
26 receive a full refund of the deposit.

27 (c) Public animal control agencies or shelters, society for the
28 prevention of cruelty to animals shelters, humane society shelters,
29 and rescue groups may enter into cooperative agreements with
30 each other and with veterinarians in lieu of requiring spaying and
31 neutering deposits to carry out this section.

32 (d) Any funds from unclaimed deposits made pursuant to this
33 section, as it read on January 1, 1999, and any funds from deposits
34 that are unclaimed after January 1, 2000, may be expended only
35 for programs to spay or neuter dogs and cats, including agreements
36 with a society for the prevention of cruelty to animals or a humane
37 society or licensed veterinarian to operate a program to spay or
38 neuter dogs and cats.

(e) This section only applies to a county that has a population exceeding 100,000 persons as of January 1, 2000, and to cities within that county.

SEC. 2. Section 30520 of the Food and Agricultural Code is amended to read:

30520. (a) This chapter only applies to a county that has a population of less than 100,000 persons as of January 1, 2000, and to cities within that county. A county whose population exceeds 100,000 persons in a year subsequent to January 1, 2000, shall be subject to Chapter 1 (commencing with Section 30501) commencing on January 1 of the year immediately following the year in which the population of that county exceeds 100,000 persons.

(b) (1) Except as otherwise provided in this chapter, no public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall sell or give away any dog that has not been spayed or neutered.

(2) (A) *Except as provided in subparagraph (B), no public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall release to an owner seeking to reclaim his or her dog, or sell or give away to a new owner, a dog that has not been microchipped.*

(B) *If the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that has custody of the dog does not have microchipping available on the premises, that entity may release the dog only upon the condition that the owner, or the adopter or purchaser, shall have 30 days to present proof to the entity from which the dog was obtained that the dog has been microchipped.*

(c) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group may not transfer to a new owner a dog that has not been spayed or neutered, except as provided in subdivision (d).

(d) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group may transfer to a new owner a dog that has not

1 been spayed or neutered only if the animal shelter does both of the
2 following:

3 (1) Requires a written agreement, executed by the recipient,
4 acknowledging the dog is not spayed or neutered and the recipient
5 agrees in writing to be responsible for ensuring the dog will be
6 spayed or neutered within 30 business days after the agreement is
7 signed.

8 (2) Receives from the recipient a sterilization deposit of not less
9 than forty dollars (\$40) and not more than seventy-five dollars
10 (\$75), the terms of which are part of the written agreement executed
11 by the recipient under this section.

12 (e) Public animal control agencies or shelters, society for the
13 prevention of cruelty to animals shelters, humane society shelters,
14 and rescue groups may enter into cooperative agreements with
15 each other and with veterinarians in lieu of requiring spaying and
16 neutering deposits to carry out this section.

17 *SEC. 3. Section 31751.3 of the Food and Agricultural Code is*
18 *amended to read:*

19 31751.3. (a) (1) Except as otherwise provided in subdivision
20 (b), no public animal control agency or shelter, society for the
21 prevention of cruelty to animals shelter, humane society shelter,
22 or rescue group shall sell or give away to a new owner any cat that
23 has not been spayed or neutered.

24 (2) (A) *Except as provided in subparagraph (B), no public*
25 *animal control agency or shelter, society for the prevention of*
26 *cruelty to animals shelter, humane society shelter, or rescue group*
27 *shall release to an owner seeking to reclaim his or her cat, or sell*
28 *or give away to a new owner, a cat that has not been microchipped.*

29 (B) *If the public animal control agency or shelter, society for*
30 *the prevention of cruelty to animals shelter, humane society shelter,*
31 *or rescue group that has custody of the cat does not have*
32 *microchipping available on the premises, that entity may release*
33 *the cat only upon the condition that the owner, or the adopter or*
34 *purchaser, shall have 30 days to present proof to the entity from*
35 *which the cat was obtained that the cat has been microchipped.*

36 ~~(2)~~

37 (3) For the purposes of this section, a “rescue group” is a
38 for-profit or not-for-profit entity, or a collaboration of individuals
39 with at least one of its purposes being the sale or placement of cats
40 that have been removed from a public animal control agency or

1 shelter, society for the prevention of cruelty to animals shelter, or
2 humane shelter or that have been previously owned by any person
3 other than the original breeder of that cat.

4 (b) (1) If a veterinarian licensed to practice veterinary medicine
5 in this state certifies that a cat is too sick or injured to be spayed
6 or neutered, or that it would otherwise be detrimental to the health
7 of the cat to be spayed or neutered, the adopter or purchaser shall
8 pay the public animal control agency or shelter, society for the
9 prevention of cruelty to animals shelter, humane society shelter,
10 or rescue group a deposit of not less than forty dollars (\$40), and
11 not more than seventy-five dollars (\$75).

12 (2) The entity shall establish the amount of the deposit at the
13 level it determines is necessary to encourage the spaying or
14 neutering of cats.

15 (3) The deposit shall be temporary, and shall only be retained
16 until the cat is healthy enough to be spayed or neutered, as certified
17 by a veterinarian licensed to practice veterinary medicine in this
18 state.

19 (4) The cat shall be spayed or neutered within 14 business days
20 of that certification.

21 (5) The adopter or purchaser shall obtain written proof of
22 spaying or neutering from the veterinarian performing the
23 operation.

24 (6) If the adopter or purchaser presents proof of spaying or
25 neutering to the entity from which the cat was obtained within 30
26 business days of obtaining the proof, the adopter or purchaser shall
27 receive a full refund of the deposit.

28 (c) Public animal control agencies or shelters, society for the
29 prevention of cruelty to animals shelters, humane society shelters,
30 and rescue groups may enter into cooperative agreements with
31 each other and with veterinarians in lieu of requiring spaying and
32 neutering deposits to carry out this section.

33 (d) Any funds from unclaimed deposits made pursuant to this
34 section, as it read on January 1, 1999, and any funds from deposits
35 unclaimed after January 1, 2000, may be expended only for
36 programs to spay or neuter cats and dogs, including agreements
37 with a society for the prevention of cruelty to animals or a humane
38 society or licensed veterinarian, to operate a program to spay or
39 neuter cats and dogs.

1 (e) This section only applies to a county that has a population
2 exceeding 100,000 persons as of January 1, 2000, and to cities
3 within that county.

4 *SEC. 4. Section 31760 of the Food and Agricultural Code is*
5 *amended to read:*

6 31760. (a) This chapter only applies to a county that has a
7 population of less than 100,000 persons as of January 1, 2000, and
8 to cities within that county. A county whose population exceeds
9 100,000 persons in a year subsequent to January 1, 2000, shall be
10 subject to Chapter 1 (commencing with Section 31751)
11 commencing on January 1 of the year immediately following the
12 year in which the population of that county exceeds 100,000
13 persons.

14 (b) (1) Except as otherwise provided in this chapter, no public
15 animal control agency or shelter, society for the prevention of
16 cruelty to animals shelter, humane society shelter, or rescue group
17 shall sell or give away any cat that has not been spayed or neutered.

18 (2) (A) *Except as provided in subparagraph (B), no public*
19 *animal control agency or shelter, society for the prevention of*
20 *cruelty to animals shelter, humane society shelter, or rescue group*
21 *shall release to an owner seeking to reclaim his or her cat, or sell*
22 *or give away to a new owner, a cat that has not been microchipped.*

23 (B) *If the public animal control agency or shelter, society for*
24 *the prevention of cruelty to animals shelter, humane society shelter,*
25 *or rescue group that has custody of the cat does not have*
26 *microchipping available on the premises, that entity may release*
27 *the cat only upon the condition that the owner, or the adopter or*
28 *purchaser, shall have 30 days to present proof to the entity from*
29 *which the cat was obtained that the cat has been microchipped.*

30 (c) A public animal control agency or shelter, society for the
31 prevention of cruelty to animals shelter, humane society shelter,
32 or rescue group may not transfer to a new owner a cat that has not
33 been spayed or neutered, except as provided in subdivision (d).

34 (d) A public animal control agency or shelter, society for the
35 prevention of cruelty to animals shelter, humane society shelter,
36 or rescue group may transfer to a new owner a cat that has not
37 been spayed or neutered only if the public animal control agency
38 or shelter, society for the prevention of cruelty to animals shelter,
39 humane society shelter, or rescue group does both of the following:

(1) Requires a written agreement, executed by the recipient, acknowledging the cat is not spayed or neutered and the recipient agrees in writing to be responsible for ensuring the cat will be spayed or neutered within 30 business days after the agreement is signed.

(2) Receives from the recipient a sterilization deposit of not less than forty dollars (\$40) and not more than seventy-five dollars (\$75), the terms of which are part of the written agreement executed by the recipient under this section.

(e) Public animal control agencies or shelters, society for the prevention of cruelty to animals shelters, humane society shelters, and rescue groups may enter into cooperative agreements with each other and with veterinarians in lieu of requiring spaying and neutering deposits to carry out this section.

~~SECTION 1. Section 31253 of the Food and Agricultural Code is amended to read:~~

~~31253. If a dog which has been impounded is claimed by the owner, all of the following shall apply:~~

~~(a) The fee for impounding and keeping the dog, as fixed by the board of supervisors, shall be paid by the owner to the person, organization, or association which has custody of the dog, to be retained by him, her, or them. No charge for fees pertaining to the dog shall be paid by the board of supervisors.~~

~~(b) The owner shall provide proof of a current, valid license for the dog.~~

~~(c) One of the following shall occur:~~

~~(1) The entity that has custody of the dog may, before releasing the dog to the owner, implant that dog with a microchip that identifies the owner of the dog. The owner shall pay the fee for the implanted device, in addition to any other fee imposed for redeeming the dog, except as otherwise expressly provided by the board of supervisors.~~

~~(2) The owner shall provide proof, within 30 days of the release of the dog to the custody of the owner, that the dog has been implanted with a microchip that identifies the owner of the dog.~~

~~SEC. 2.~~

~~SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or~~

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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